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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

K. Hayashi

Serial No. 09/916,529

Group Art Unit: 2652

Filed: July 30, 2001

Examiner: unassigned.

For: MAGNETO-RESISTANCE EFFECT ELEMENT,  
 MAGNETO-RESISTANCE EFFECT HEAD,  
 MAGNETO-RESISTANCE TRANSDUCER SYSTEM,  
 AND MAGNETIC STORAGE SYSTEM

Assistant Commissioner for Patents  
 Washington, D.C. 20231

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OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS**

Sir:

On September 13, 2001, Applicants received a Notice of Omitted Items for the above identified patent application. In particular, it was noted that Figures 35 and 36 described in the specification were omitted from the Application as filed. A copy of that Notice is attached.

Applicants contend that in fact the omitted Figures were included in the application as filed on July 30, 2001 and that this filing date should be preserved. In support of Applicant's contention attached is a postcard receipt, bearing a USPTO mail room stamp of July 30, 2001 indicating that all 51 sheets of drawings were timely received by the USPTO. Also included is a supportive declaration of attorney Kevin A. Reif, Reg. No. 36,381, as well as his administrative assistant Karim Sosa, who were both involved with the filing of this application.

In the alternative, it is contended that entry of the alleged missing Figures 35 and 36 would not constitute new matter as they are vividly described on page 48, lines 4-22 of the application such that one of ordinary skill in the art would readily understand the invention irrespective of these

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Figures. Thus, it is respectfully requested that the Figures be entered and that the filing date of July 30, 2001 be preserved.

In order to facilitate examination on the merits Applicants submit herewith under separate cover a complete set of formal drawings, including Figures 35-36 to be substituted for those originally filed.

Attached is a check in the amount of \$130 dollars to cover the petition fee (37 C.F.R. § 1.17(h)). Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

  
Kevin A. Reif  
Reg. No. 36,381

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**DECLARATION OF KEVIN A. REIF AND  
KARIM SOSA**

1. Kevin A. Reif is a registered patent attorney and an associate at the McGuireWoods firm. Karim Sosa is his Assistant.
2. By letter dated July 18, 2001, the subject patent application was received at McGuireWoods with instructions to file the Application in the USPTO by August 3, 2001.
3. Ms. Sosa, as part of her daily job routine, prepared the Utility Application Transmittal Papers under 37 C.F.R. § 1.53(b) for the subject application on July 30, 2001. Ms. Sosa always counts the page numbers of the application to insure that all pages are present as well as reviews all Figure numbers to insure that all are present. Ms. Sosa further prepared the attached postcard receipt which was stamped by the USPTO upon receiving the complete application.
4. Ms. Sosa gave the application to Mr. Reif for review and execution. Mr. Reif then reviewed all application and transmittal papers including the Figures for completeness. Mr. Reif personally counted and reviewed the application page numbers and verified the presence of each Figure prior to signing the transmittal papers. Mr. Reif and Ms. Sosa distinctly remember reviewing this case for completeness since it is unusually lengthy.
5. Mr. Reif and Ms. Sosa swear that to the best of their recollection, and as evidenced by the attached postcard receipt, all Figures were included in the subject application filed in the USPTO.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application and any patent issuing thereon.

Date 9/24/01

Kevin A. Reif

Kevin A. Reif Reg. No. 36,381

Karim Sosa

Karim Sosa